

**PUBLIC MEETING
July 27, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Katie Jerstad, Kelly Blake, Lindsay Morgan, Rebecca Shaw, Frank Rives, Ryan Casne, Jack Walsh, Mark Simonich, Audra Zacherl, Jesse Whitford, Cheryl Green, Ken Frost, Jason Fenhaus, and Carole Byrnes, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-243 Ordering a Refund of Taxes/Fees/Assessments Paid by P&S Properties LLC in the Amount of \$1,850.46. (Cheryl Green)
- b. Service Level Agreement Between Dept. of Admin. Information Technology Services Division and Lewis and Clark County for Hourly Video Conference Services in the Detention Center. (Tammy Potter)
- c. Musikanten Montana, Inc. Application for Montana Arts Council Cultural Trust Grant for the Montana Early Music Festival in the Amount of \$8,009 for FY 2012-13. (Kerry Krebill)

Eric Bryson reported on the consent agenda and recommended approval.

No public comment was received.

Commissioner Brown moved approval of the consent action items and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Contract and Encroachment Agreement Between Lewis and Clark County and Seth and Tahnee Szymanski. A Perimeter Fence to be Installed Approximately 10 feet into the Designated Trail Easement. (Christal Ness)

Lindsay Morgan reported that the applicants have requested that their proposed fence be allowed to encroach 10 feet into the 20-foot-wide trail easement. Condition 9 of the subdivision approval required the 20-foot-wide trail easement and Condition 25 required its dedication on the plat.

Christal Ness stated applicant's expectation is that consistent with the language on the encroachment agreement, the county would notify them 60 days prior to any construction of that trail easement and they would remove the fence at their own expense.

No public comments were received.

Commissioner Hunthausen moved to deny the request. Commissioner Brown did not support the motion, but did second it for discussion. Commissioner Murray did not support the motion either.

Commissioner Hunthausen explained his reason for denial. The trail and trail easement is in the transportation plan. The applicants knew about it. The Parks Board said they are opposed to this with the comment that after it is installed, it is very difficult to get it removed. It does not impose a burden for them, they just want more room.

Commissioner Brown stated there is a clear understanding that if the easement is developed the fence would have to be removed.

Commissioner Murray stated that if and when the county has the money to develop the area, the applicant or the successor would remove the fence.

The motion to deny the application failed 2-1. Brown and Murray voted against denial.

Commissioner Brown moved to approve the encroachment agreement. Commissioner Murray seconded the motion. The motion to approve the Contract and Encroachment Agreement and authorized the Chair to sign. The motion carried 2-1. Hunthausen voted no.

Bid Opening. 2010 Chip Seal Surfacing of County Roads. (Audra Zacherl) The project consists of chip seal surfacing of County Line Rd. (Hwy 284); Deal Lane; Lake Helena Dr. north of York Road.; Tizer Drive, Wylie Drive south of Canyon Ferry Rd.; Valley Drive between Howard Rd. and Canyon Ferry Rd.; Sierra Rd. east of Marcella Burke Drive and Prairie Rd. west of Montana Ave.; three existing roads in the Forestvale Cemetery; Marcella Burke Dr. south of Sierra Rd. and also the following RID's: Autumn Wind Court roadway and cul-de-sac, all located in Lewis and Clark County, Montana. Two bids were opened.

Pavement Maintenance Solutions, Columbia Falls. The bid has been signed. The bid security has been included. Total base bid, \$246,505.52.

Helena Sand and Gravel, Inc., Helena. The bid has been signed. The bid security has been included. Total base bid, \$260,950.00.

Commissioner Hunthausen moved to have staff take the bids under advisement and report back with a recommendation on Thursday, July 29. Commissioner Brown seconded the motion. The motion carried 3-0.

Request for Modification of the Subdivision Approval for the Paradise Valley Minor Subdivision. (Applicant: Wayne Wilson) (Planner: Frank Rives) A proposed modification of a first minor subdivision, to be known as the Paradise Valley Subdivision, has been submitted to Lewis and Clark County for review. The conditions, 6A and 6B, requiring the provision of a Level of Service analysis for Norris Road east of Applegate Drive and requiring the proportionate share of cost of improving Norris Road east of Applegate Drive to a paved standard road section for the Paradise Valley Minor

Subdivision. This request is that the Level of Service analysis not be required and the proportionate share costs for Norris Road improvements be done to the County's gravel road standard. The proposed subdivision is located east of and adjacent to Applegate Road and north of and adjacent to Norris Road. (Tabled from 7/13/10)

Frank Rives reported that the applicant contacted Abelin Traffic Services to order a traffic count. Mr. Rives distributed a copy of a Traffic Impact Analysis for Crestwood Green Estates in 2007. The applicants had a basic volume report done on Norris Road east of Applegate Drive.

The traffic count was taken between July 19 through July 21, 2010 for a total of 517 vehicles counted, and calculated ADT was 264. The Crestwood Green Estates traffic count taken in March 2007 was about 123 ADT.

The proportional cost of improvements for a gravel standard compared to the proportional cost for an unpaved standard and how that cost is determined was discussed. The calculation would be part of the preliminary engineering report.

Ryan Casne stated they plan to hire Pioneer Technical to do a structural number that is equivalent or better.

No other comments were received.

Commissioner Hunthausen moved to approve the request for modification as recommended by staff and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

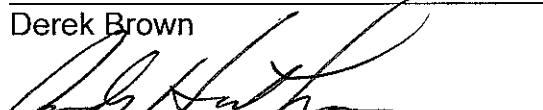
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:32 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board